

*Filed in  
open  
Court  
8/17/05*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

CIVIL ACTION NO.: 04-11126-MLW

SANDRA YOUNG, and  
ERIC K. SOUZA, P.P.A., By His MOTHER  
AND NEXT BEST FRIEND,  
Plaintiffs,

v.

SIX FLAGS, INC. and  
INTAMIN AG.,  
Defendants.

**JOINT STATUS REPORT AND FURTHER REQUEST FOR LIMITED  
MODIFICATION OF SCHEDULING ORDER DEADLINES**

Plaintiffs Sandra Young and Eric K. Souza, Defendant Six Flags, Inc., and Defendant Intamin Ltd. hereby report to the Court on the status of the referenced matter and respectfully move for further limited modification of the scheduling order deadline. As grounds for this motion the parties to this matter state as follows:

1. On December 23, 2004, this Court adopted the Joint Statement of the Parties, which set forth tracking deadlines for discovery in pretrial events in this case;
2. Thereafter, as discovery progressed, the parties recognized the need for additional time and brought before this Court a Joint Motion to Modify Scheduling Order. That Motion was allowed in part and denied in part, per this Court's order of June 6, 2005;

- 2 -

3. As a result of this Court's June 6, 2005 Order, the Scheduling Order deadlines were amended as is reflected in the attached updated Schedule, Exhibit A;
4. Since the entry of the Amended Scheduling Order Deadlines, the parties have engaged in various discovery activities, including depositions, attempts to obtain medical records and social security records, and most recently, the noticing of a number of depositions scheduled on future dates and the service of numerous Requests for Admissions.
5. It has been, and continues to be, the intent of the parties, jointly, to bring the case as expeditiously as possible before a private mediator for the purpose of determining whether the litigation can be resolved by ADR. To that end, it has been, and continues to be, the joint intent of the parties to obtain as much information as possible concerning Ms. Young's pre- and post-medical condition, as well as to conclude the deposition of Ms. Young, which deposition was suspended pending the receipt and review by the defendants of various medical and social security records;
6. There has been, and continues to be, a standing agreement and stipulation between all counsel that written discovery (including the most recently served Requests for Admissions) be suspended until it has been determined through mediation whether the matter can be resolved without the need for such written discovery;

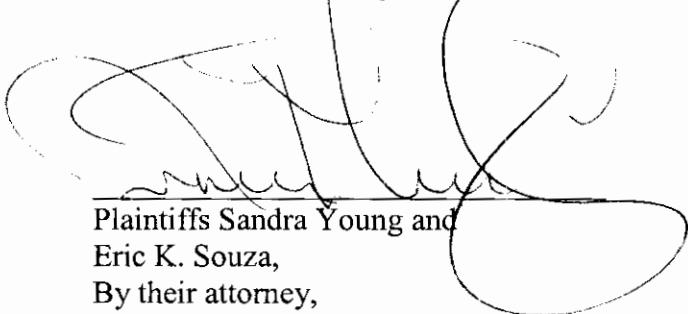
- 3 -

7. In advance of this Court's scheduled Status Conference, counsel for all of the undersigned parties, conferred and agreed to jointly request that this Court further extend and modify the Scheduling Order Deadlines by another ninety (90) days for the following specific reasons:
  - a. Releases for medical records were provided defendants, and were promptly sent out to the various healthcare providers, but not all of those records have yet been provided in response to the aforesaid releases;
  - b. Social security records remain outstanding, and there is an agreement that a release for such records will be provided;
  - c. It has been agreed that an independent medical examination (IME) of Ms. Young will take place at the mutually convenient date prior to the resumption of her deposition;
  - d. Ms. Young's deposition is scheduled to be resumed on October 5, 2005;
  - e. Mediation has been scheduled to take place, in Boston on October 11, at 10:00 a.m., before Jeffrey Stern, Esq.;
  - f. Should the above-referenced mediation not result in settlement of all claims, the parties will need a limited and reasonable period of time to conclude discovery temporarily suspended for the purposes outlined above;

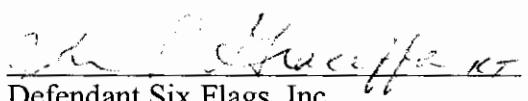
- 4 -

WHEREFORE, for all of the reasons expressed herein, the Plaintiffs Sandra Young and Eric K. Souza, Defendant Six Flags, Inc., and Defendant Intamin Ltd. respectfully urge this Court to enter an Order extending and modifying the Scheduling Order deadline set forth in the attached Exhibit B by ninety (90) days.

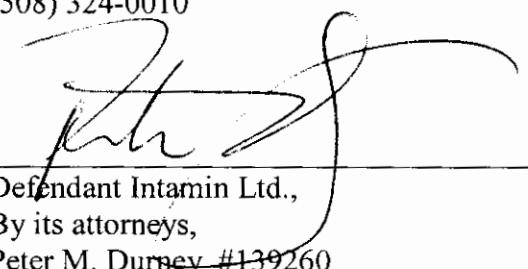
Undersigned counsel have been working cooperatively in an attempt to explore the possibility of an early resolution of the case and, further, to explore the possibility of setting aside liability issues and whether the question of damages can be addressed without undue delay. The proposed modest request for additional time will greatly assist counsel and their respective clients in their ongoing efforts.



Plaintiffs Sandra Young and  
Eric K. Souza,  
By their attorney,  
Russell N. McCarthy, #552879  
150 North Main Street  
Fall River, MA 02720  
(508) 324-0010



Defendant Six Flags, Inc.,  
By its attorneys,  
John P. Graceffa, #205920  
Morrison Mahoney LLP  
250 Summer Street  
Boston, MA 02210  
(617) 439-7500



Defendant Intamin Ltd.,  
By its attorneys,  
Peter M. Durney #139260  
Anthony J. Manhart, #657610  
Cornell & Gollub  
75 Federal Street  
Boston, MA 02110  
(617) 482-8100



8/30/05 Conclusion of all factual depositions (non-experts)

8/30/05 All interrogatories, request for production of documents and requests for admissions shall be served

10/14/05 All answers/responses to written discovery other than expert shall be served

10/31/05 Plaintiff to identify experts

11/14/05 Discovery Motions under Rule 37 due

11/14/05 Plaintiff's expert's depositions to be completed

12/16/05 Defendant/third party plaintiff to identify experts

1/16/06 Third party defendant to identify experts  
Defendant/third party plaintiff's expert's depositions to be completed

2/13/06 Third party defendant's expert's depositions to be completed

3/17/06 Deadline for filing of all dispositive motions

4/17/06 Trial ready